

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

PAUL WAYNE MARSHALL,	§	
PLAINTIFF,	§	
	§	
V.	§	CIVIL CASE No. 3:19-CV-2632-C-BK
	§	
UNITED STATES OF AMERICA, ET AL.	§	
DEFENDANTS.	§	

**FINDINGS, CONCLUSIONS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Pursuant to [28 U.S.C. § 636\(b\)](#) and *Special Order 3*, this *pro se* civil action was referred to the United States magistrate judge for case management, including the issuance of findings and a recommended disposition. Marshall’s motion to proceed *in forma pauperis* was granted, pending judicial screening. However, upon review of the relevant pleadings and applicable law, this action should be summarily **DISMISSED WITH PREJUDICE**.

I. BACKGROUND

On November 5, 2019, Marshall filed this *pro se* civil action against the United States of America, Members, Aides, Officers of the Congress for the District of Columbia, and other, unidentified defendants. [Doc. 3 at 1](#). The complaint is difficult to decipher, replete with misspellings and grammatical errors, and plainly nonsensical. As best the Court can decipher, Marshall complains generally that Defendants’ actions and decisions are unconstitutional and that they have conspired to falsify records and abused their power. [Doc. 3 at 1](#). For example, in rambling fashion he references Defendant’s alleged concealment from the public of “Neferious Acts and Decisions, Collision under Land Allotment and Minerals, Commissions, Declarations .

. .” and the falsification of “Petitioners Family and Others public and private records, not limited to birth and death records.” [Doc. 3 at 1](#) (misspelling and grammatical errors in original).

II. ANALYSIS

Because Marshall is proceeding *in forma pauperis*, his complaint is subject to screening under [28 U.S.C. § 1915\(e\)\(2\)\(B\)](#), which provides for the *sua sponte* dismissal of a complaint if the Court finds that it (1) is frivolous or malicious, (2) fails to state a claim upon which relief may be granted, or (3) seeks monetary relief against a defendant who is immune from such relief. A complaint is frivolous when it “lacks an arguable basis either in law or in fact.” [Neitzke v. Williams](#), 490 U.S. 319, 325 (1989). A court may dismiss a complaint as frivolous when it is based on an indisputable meritless legal theory or when the factual contentions are “clearly ‘baseless.’” [Denton v. Hernandez](#), 504 U.S. 25, 32 (1992). The latter category encompasses allegations that describe “fanciful, fantastic, and delusional” scenarios, or that “rise to the level of the irrational or the wholly incredible.” [Id.](#) at 33.

The Court must always liberally construe pleadings filed by *pro se* litigants. *See Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (noting *pro se* pleadings “must be held to less stringent standards than formal pleadings drafted by lawyers”); *Cf.* [FED. R. CIV. P. 8\(e\)](#) (“Pleadings must be construed so as to do justice.”). Even under the most deferential view, Marshall’s complaint is facially frivolous. Marshall’s factual contentions are clearly baseless and woefully inadequate to support any cognizable claim, *see Denton*, 504 U.S. at 33, and his allegations appear irrational and incredible. Accordingly, Marshall’s complaint should be dismissed with prejudice as frivolous.

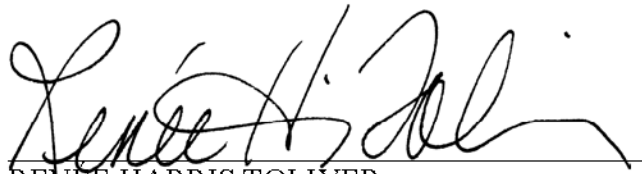
III. LEAVE TO AMEND

Ordinarily, a *pro se* plaintiff should be granted leave to amend his complaint prior to dismissal. However, leave to amend is not required when the plaintiff “has already pleaded his ‘best case.’” *Brewster v. Dretke*, 587 F.3d 764, 767-68 (5th Cir. 2009). As discussed here, Marshall’s pleadings are fatally infirm. Based on the most deferential review of his complaint, it is highly unlikely that, even if given the opportunity, he could allege cogent and viable legal claims. Thus, the Court concludes that granting leave to amend under these circumstances would be futile and cause needless delay.

IV. CONCLUSION

For the foregoing reasons, this action should be **DISMISSED WITH PREJUDICE** as frivolous. *See* 28 U.S.C. § 1915(e)(2)(B).

SO RECOMMENDED on December 4, 2019.



RENEE HARRIS TOLIVER
UNITED STATES MAGISTRATE JUDGE

INSTRUCTIONS FOR SERVICE AND NOTICE OF RIGHT TO APPEAL/OBJECT

A copy of this report and recommendation will be served on all parties in the manner provided by law. Any party who objects to any part of this report and recommendation must file specific written objections within 14 days after being served with a copy. *See* 28 U.S.C. § 636(b)(1); *FED. R. CIV. P. 72(b)*. An objection must identify the finding or recommendation to which objection is made, the basis for the objection, and the place in the magistrate judge’s report and recommendation the disputed determination is found. An objection that merely incorporates by reference or refers to the briefing before the magistrate judge is not specific. Failure to file specific written objections will bar the aggrieved party from appealing the factual findings and legal conclusions of the magistrate judge that are accepted or adopted by the district court, except upon grounds of plain error. *See Douglass v. United Services Automobile Ass’n*, 79 F.3d 1415, 1417 (5th Cir. 1996), *modified by statute on other grounds*, 28 U.S.C. § 636(b)(1) (extending the time to file objections to 14 days).